

**Chronic Offenders and 'Poly-Users':
Young People's Use of Social Infrastructure**

Criminology Research Council Summary Report

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Foreword

It has been argued that service systems such as health, education and justice may be dealing with people who are more frequent users of services than on average. While we know that there are groups of young people who might be considered “chronic offenders” we have limited empirical information on whether they are also poly-users. Indeed, despite large anecdotal support for the concept, there is extremely limited research into:

- ◆ **Whether “poly-users” actually exist, & if they do;**
- ◆ **Who are they, and what services are they using**

This paper provides a brief overview on who are chronic offenders, what groups may be poly users, and what groups may have little to no access to resources at all. Three proposals are put forward to investigate this issue, all of which have strengths and weaknesses, but only two of which are viable.

Option Three would be the most viable if the CRC were interested in funding a large research proposal and involves a combination of (quantitative) survey data and (qualitative) focus-group/interview data being obtained from discrete cohorts of 'key actors and affected persons'.

Option Two is preferable if it is envisaged that the CRC’s Postdoctoral Fellow conduct the research, and involves a retrospective qualitative analysis of

adolescents' life-histories, or more specifically a secondary analysis of pre-sentence reports.

Chronic Offenders and 'Poly-Users'

Across a variety of data sources, in different countries and cities, and over different time periods, one consistent finding appeared concerning offending behaviour: A small number of persons is responsible for a large proportion of crime” (Loeber and Farrington, 1998).

One of the central tenets of criminology is that a small number of people are responsible for the majority of the crime (Dunford and Elliott, 1984; Farrington and Hawkins, 1991; Tracey and Kempf-Leonard, 1996; West and Farrington, 1977; Wolfgang *et al*, 1972). This group is commonly described as a ‘chronic offender’ group (Wolfgang *et al*, 1972; Tracey *et al*, 1990; Farrington, 1983; Snyder, 1998). Chronic offenders represent approximately five percent of a birth cohort but are responsible for as much as fifty percent of all crimes (Elliott *et al*, 1985; Wolfgang, 1983). As a group, chronic offenders are typically male and begin their offending at a young age. The offending behaviours typical of chronic offenders are not specialised, but rather are wide ranging and varied, although frequently including violence and property crimes. Chronic offenders are also noteworthy for their predilection for risk taking behaviours, such as heavy drinking, substance abuse and dangerous driving (Dunford and Elliott, 1984; Farrington and Hawkins, 1991; Tracey and Kempf-Leonard, 1996).

Whilst research tells us a considerable amount about the crimes chronic offenders commit, we know rather less about why ‘they do it’ and so how we might most effectively manage their behaviors. We do however know that chronic offenders are disproportionately more likely to have backgrounds characterised by poor family relations, low SES backgrounds, and high experiences of victimisation and high rates of truancy from school (Dunford and Elliott, 1984; Farrington, 1996; Loeber and Farrington, 1998; Tracey *et al*, 1990; Wolfgang *et al*, 1972).

In all jurisdictions, the activities of chronic offenders are a contentious issue at the heart of a never ending but arguably ineffectual ‘war on crime’. Increasingly in recent years, chronic offending has come to be conceptualised in economic terms whereby the question of (social) ‘outcomes’ is compared with (fiscal) ‘outgoings’ (does the cost of ‘three-strikes’ legislation provide an acceptable return of lower crime rates, for example).

One merit of this econometric orientation is that it encourages us to focus upon young people in the interests of ‘nipping in the bud’ patterns of behavior that are detrimental to both young people and the broader community. A starting point for strategies aimed at interrupting movement from transitory/episodic offending towards more serious chronic offending is to focus upon those young people who have come to the attention of arms of government for reasons *apart* from offending behaviors. The rationale behind this starting point is the often made claim that young people, who are the recipients of various types of social services because of various forms of disadvantage, are disproportionately likely to (usually later) become the subject of responses by government as a consequence of criminality.

Importantly however, we 'suspect' rather than 'know' that chronic offenders are also chronic users of social services. The empirical basis for the proposition that a small group of young people (and their families) access an unduly large proportion of social support services and that this fact is somehow a key factor underpinning chronic offending is 'shaky' rather than 'conclusive'. However, if for the moment at least, we accept that this proposition has a degree of validity, the issue at hand is quickly revealed as more complex than it appears at first sight. If we are saying a small group of individuals are disproportionately responsible for crime - and - a small group of individuals are disproportionately the subject of social services - and - these two groups are in fact (substantially) one and the same - what then are the implications in terms of the adequacy or otherwise of our current responses to the social bases of criminality. Once we frame the issue in this way, the questions we are confronted with begin to look very much like *evaluations* of existing approaches to service provision.

However, and the however here is a major qualification, we cannot run before we walk and our first steps should be to establish whether poly-users ('frequent-flyers') actually exist (and if so what do they 'look like') and what are the services this group are so extensively drawing upon.

Which young people are poly-users?

As we would expect, an overview of the current literature suggests that young people have quite different levels of access to resources. However, it also appears that 'access'

and 'need' are not always as closely associated as we might have expected. For example, the evidence clearly indicates that young homeless people do not have high levels of access to services despite a range of programs being developed for them. In comparison, those individuals we might consider chronic offenders often do appear to have a history of familiarity with a variety of government services across their life histories. This is an important point as it may be that what we have here are discrete groups of young people in need of social services but with some being *governmentalised* and others are being *marginalised*. If this is the case, the next question is whether the two groups are equally associated with chronic offending. In terms of crime prevention, is it 'better' to 'governmentalise' young people or leave them socially isolated. Once again, what begins as an exercise in identifying the bases of chronic offending is seemingly inexorably drawn towards an evaluation of service provision by a diverse range of government and non-government agencies. Whilst this shift in focus is a logical extension of the exercise, it is important that we recognise that an *evaluative* orientation is premature at this point. The focus we need to keep firmly in mind here is upon *identifying* and *describing* chronic poly-users/offenders. What then might be the groups that we are interested in? If we use broad generalisations, we can perhaps categorise groups of young people into those that are *governmentalised* and those that are *marginalised*. In doing so, we need to recognise that these categories are only tools, and that given the array of difficulties these adolescents face, many will traverse both categories across their life histories.

Those that are governmentalised

At about the age of thirteen, Melanie's mother attempted to murder her father. It was at this time that her mother left Melanie and her siblings under the supervision of Family Services and Aboriginal Islander Affairs. During this time Melanie frequently lived in share houses with friends or in makeshift accommodation. Whilst she remembered being extremely close to her family when she was younger, after her mother went to gaol Melanie became alienated from her siblings and her mother. Yet her account of these developments involved her blaming the Department of Family Services as much as her mother.

"they've got no fucking idea of what they do. They see this family and it doesn't look like a cute little middle class family with a dog and a cat and a piano in the parlour - so something goes wrong in the family and, - and this is the thing - they don't break up the family cause something's gone wrong, and they don't break it up to protect the kids or take care of the parents or anything like that. They break it up because they've got this picture of what a family should look like, and if it doesn't fit yours, then they break it up". (Ogilvie, 1999)

One of the common threads in case studies such as that of Melanie, is the involvement of Family Services. There is persuasive evidence that young offenders currently under the care of Juvenile Justice are likely to have previously been under the care of Family Services (or equivalent departments). Children who have previously been wards of the state are more likely than those who have not been to come into contact with the juvenile justice system, particularly detention (*see* Cashmore and Paxman, 1996; Carrington, 1993). Research conducted utilising both child protection and law enforcement agency records demonstrates that children with records of physical abuse and neglect (ie: who had come into contact with child protection) were more likely to have been arrested for criminal offences (excluding traffic offences) (ie more likely to have come into contact with law enforcement agencies) (Maxfield and Widom, 1996).

Those that are marginalised

Leon lived with his father and two of his siblings while the other two siblings live with their mother. As a result of being subjected to violence from his father, Leon left home at 12 years and lived with other adolescents and older friends in a variety of squats and makeshift accommodation (rejecting any assistance from Family Services or other relatives). Eventually, Leon's parents consented to his being placed on a Care and Protection Order, whereupon he was placed in Boystown (Ogilvie, 1999).

There is a range of literature that suggests a pervasive and (consequential) lack of access to social resources by those who most need them. For example, in an examination of truancy, the Standing Committee on Employment, Education and Training (1996) concluded that truancy and related behaviour not only was linked to exclusion, poverty and criminality, but that truancy itself developed out of multiple negative influences including a lack of school support structures and welfare provisions. Similarly, Lynch and Ogilvie (1999), noted the lack of social resources available to young people living in a disadvantaged suburb in Brisbane, Queensland, including being excluded from their local swimming pool and recreational facilities due to 'inappropriate' behaviours. In particular, research investigating homeless youth are almost unanimous in arguing that these especially disadvantaged young people are substantially "under contacted" in terms of their utilisation of basic services (*see* Horn, 1997; Herrman, 1996). This is particularly disturbing when it relates to accessing very basic services such as shelter from domestic violence or counselling for sexual abuse (Hughes, 1998).

Remembering that sometimes the personal really is

'personal'.

Imogen had been under the notice of Family Services and Aboriginal/Islander affairs since 1987, after having been raped by a family member. The Department had placed her in the care of her elder brother (then aged 17). Since being in care, Imogen had avoided any substantial contact with either of her parents and she been situated in at least 20 different placements, including foster care, Aboriginal caregivers, residential placements, hostels and emergency accommodation. She has also been admitted to hospitals, both medical and psychiatric (usually following suicidal behaviour) (Ogilvie, 1999)

In addition to the issue of 'governmentalising' versus 'marginalising', we also cannot afford to ignore the fact that for some young people the key factor is as much that of *personal* psychological problems as much as it is other more *general* social issues.

If we simply focus upon the nexus of mental health and criminality, we see that

more than 20 percent of young people in the public mental health system had a history of juvenile justice involvement (Rosenblatt, Rosenblatt and Biggs, 2000).

Similar findings have been uncovered in community settings, with Vander Stoep, Evens and Taub (1997) finding that children who had been referred to community mental health services were approximately 3 times more likely to also be referred to the juvenile justice system than a control group of youth who had not been referred to the community mental health services. Finally, the Coalition for Juvenile Justice in Washington recently cited estimates that 50 percent to 75 percent of teenagers in the juvenile justice system have a diagnosable mental disorder, with up to 15 percent to 20 percent of these young people suffering from a severe mental illness such as schizophrenia.

Resource distribution: an impossible juggling act?

The fact that there are young people who are clearly in need who are not being responded to by social services suggests that we need to greatly improve our capacity to deliver services to where they will be most useful. Resources are obviously finite and it is therefore incumbent upon us to endeavour to ensure efficiency in the expenditure of public monies. If this means concentrating our efforts (and funds) into 'pockets' rather than spreading it evenly - we need to be confident in our ability to 'target' our programs. The resulting 'lumpy' pattern of resource distribution will inevitably lead to the suggestion from some quarters that there is a small group of young people who are *disproportionately* 'using up' public resources. However, the fact that some young people are apparently *already* progressing from one agency (eg. education) to another (eg. mental health) to another (eg. family services) and then yet another (eg. juvenile justice services) suggests that these services are not currently as effective as we could reasonably expect (i.e. not so much too much of a *good* thing for a 'lucky' few, as too many getting too little of the *right* thing).

At our most idealistic, most of us would like to think that departments such as Family Services provide a safe haven for adolescents in situations of danger or neglect. Similarly, it is not unreasonable to expect that mental health services assist young people with mental health problems adjust to social life in a way that is not injurious to either themselves or the wider community. However, if our poly-users are also our chronic offenders then the clear implication is that our current armory of social services is not as effective as we are entitled to expect. If it is empirically confirmed that a poly-user group exists and that it substantially overlaps with the chronic offender group then the inference we might well draw is that 'troublesome' youth are

simply being transferred from agency to agency with little in the way of any very obvious benefit being derived.

Expressed in somewhat dramatic terms - we might wonder if agencies are simply 'passing the buck' with the knowledge that if 'things don't eventually work themselves out' the buck will always finally stop at the point of incarceration.

Policy Implications

Young people accessing multiple service providers is not in itself necessarily a bad thing. Many current government policy frameworks are structured around 'whole of government' and 'multi-agency' approaches. A small group of seriously disadvantaged offenders accessing a wide range of social services may constitute a welcome indication of 'working government'. On the other hand of course, it could also be an indication that some young people are rather better organised than some agencies that are unaware of what their fellow arms of government 'are up to'. In suggesting these two alternative interpretations, the intention is not to be trite or glib - there are fundamental questions at hand as to how we understand *governance*, *duty of care*, and *transparent accountability*. In the absence of sound empirical data, we have no way of knowing the degree to which poly-users exist and if as a group they overlap with the chronic offender group. We also do not know why some young people in need become poly-users while others in equal need become non-users. And most critically of all, we do not know nearly enough about the relationship between chronic offending and either poly-use or non-use.

The rhetoric around much Australian policy at the moment echoes that of the United Kingdom with initiatives being designed to “promote individual and social responsibility, access to educational training and employment opportunities, improving recreational opportunities and initiatives to tackle problems faced by young people such as homelessness and drugs” (Muncie, 1999: 246). In Australia, Ross Homel and his colleagues have done an enormous amount of work promoting the implementation of a variety of programs that we know reduce the likelihood of young people becoming chronic offenders (*see* National Crime Prevention, 1999). However, if these emerging orientations are to ever mean anything in the real world we need to begin by improving our understanding of what is actually already occurring in the real world. Identifying poly-users and the services they access and the consequences of their contacts with service providers, would constitute an enormously valuable foundation for informed policy development processes.

What to do?

Three options are proposed here. Whilst all three proposals are 'workable' projects that would yield high quality data - the proposals are ranked in terms of their capacity to comprehensively feed into policy development processes. It is important to acknowledge that a 'do-ability' ranking would take precisely the reverse order.

It is also important to note at this point that there are a variety of critical ethical considerations that need to be acknowledged with respect to the research focussing upon young people, particularly those from marginalised backgrounds, which

impact upon all three options. Strategies for ensuring that respondents are not adversely affected by engaging in the proposed research include:

- the guarantee of confidentiality;
- the voluntary nature of the research, and;
- access to professional advice and counselling if required.

Where respondents agree to be interviewed, it is important to note that all interviews should be voluntary, and no identifying characteristics recorded. Similar provisos apply if pre-sentence reports are utilised.

Option One

Quantitative Analysis of Governmental Data

One of the best ways in which to investigate the poly-user/chronic offender issue is simply to 'match up' clients across a range of key services in a chosen state.

Unfortunately, this approach is next to impossible. At present, there are no (known) relevant institutions that utilise directly comparable data sets, far less have the capacity to do comparative analyses¹. This means that the only identifiers would be the name and birth date of respondents. Given the population of interest, the use of aliases and the deliberate provision of incorrect identifying information are almost a standard practice with the result being that a simple name/date of birth matching exercise would

¹ It should be noted here that Juvenile Justice services in every jurisdiction were contacted prior to this scoping paper, regarding the possibility of their data being conducive (in any form) to examining these issues. All jurisdictions said no.

inevitably 'miss' a substantial proportion of the respondents who are actually of most importance to the study.

The only state that *might* allow for an examination of trajectories through services appears to be Queensland, although this is limited to examining contact with Family Services (under care) and contact with Juvenile Justice Services (under compulsion). While there are considerable difficulties inherent to any 'match-up' exercise, including the previously mentioned issues of identification, together with confidentiality, it seems worthwhile to note that there is at least some potential to undertake such a research project in Queensland.

Option Two:

Retrospective Qualitative Analysis (Examining Post release reports)

The second potential research orientation that could be adopted is a retrospective qualitative analysis of adolescents' life histories, or more specifically a secondary analysis of pre-sentence reports. Pre-sentence reports are background information papers provided by social workers for presentation to the magistrate at the adolescent's appearance in court. The reason that they are recommended as a potentially rich source of data, is that the social workers in question collate information on the children's background, family context, their families contact with family services, the child's health and welfare background, including whether they had ever been involved in a serious accident, been recommended for care, been diagnosed with a mental health

problem, been referred to a drug rehabilitation clinic, together with the amount of times they had been in contact with family and juvenile justice services.

While pre-sentence reports cannot be considered as entirely rigorous collections of adolescents entire life-history – and potential biases in regard to the collectors (individual, overworked social workers) would need to be kept in mind in any analyses, they do provide a rich source of data suitable for a designated researcher to analyse.

Option Three:

Qualitative & Quantitative Analysis

Unfortunately, the most viable approach to examining the poly-user/chronic offending issue is also likely to be the most expensive, and involves subcontracting the research project to an academic. More specifically, it is proposed that a combination of (quantitative) survey data and (qualitative) focus-group/interview data be obtained from discrete cohorts of 'key actors and affected persons'. These complimentary sources of data could be obtained from the young people who are the subject of those service providers' endeavours.

The (government and non-government) service providers provide an effective 'entry point' for obtaining access to young people whose personal trajectories suggest they could usefully participate in the project. A very brief questionnaire would be distributed to young people who are currently clients of a range of organisations, associations and agencies (i.e. education departments, police services, youth and

community worker networks). The survey would simply request information on age, sex, service where they were initially contacted, and a range of questions asking whether they had ever “lived with foster parents”, if so “how many times”, ever “used a homeless shelter” if so “how many times” etc.

Secondly, there would be a series of one-to-one interviews with 20 young people from each particular “service”. This sample would consist of young people who expressed an interest in being interviewed at the end of the questionnaire and would focus on trying to gauge the experience of 'poly-using', and more particularly, whether the adolescents found any of the services to be in any way beneficial.

Conclusion

Overall, this issue of poly-use by young people is extremely complicated but absolutely necessary. Of the three options, Option One is the optimal research project but it is also the most methodologically challenging choice. Option Three is without doubt the most immediately practical strategy, in terms of being able to investigate the complexity of the issues at hand. However, this option would almost certainly prove to be the most expensive. Option Two would be markedly less expensive than either of the other two strategies and would yield high quality data of direct relevance to the key research questions. However, organising to access to pre-sentence reports is likely to be a difficult and time-consuming exercise.

Each of the three options has different strengths and weakness, however in all three cases the obtained research data would prove critical to service providers in terms

of ensuring that whatever their (particular) core business, they do in fact provide a service that addresses the real needs of young people and the community at large.

At the moment, service providers are seriously handicapped by a lack of necessary 'hard data' that can be drawn upon to guide resource allocation frameworks. This handicap means that 'bad outcomes' can result from 'good intentions'. We need to acknowledge that sometimes doing our best is not good enough and that we need a much sharper sense of the landscape if we are to successfully map out new and achievable goals.

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